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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,648	10/31/2003	Steven Louis Eaton	LDC100A US	3752
21133 7590 03/08/2007 VAN OPHEM & VANOPHEM, PC REMY J VANOPHEM, PC 51543 VAN DYKE SHELBY TOWNSHIP, MI 48316-4447			EXAMINER VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/698,648

Applicant(s)

EATON ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-26,28-46 and 48-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-26,28-46 and 48-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to response received 29 December 2006. Claims 1–6, 8–26, 28–46 and 48–60 with the elected species of Fax is pending for examination.

Response to Arguments

Applicant's arguments and concerns for amended claims have been responded to in response to claims below.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims –6, 8–26, 28–46 and 48–60 are rejected as being directed to non-statutory subject matter. Claim –6, 8–26, 28–46 and 48–60 recites the limitation of step and means for approving received information and assigning access rights to said received information. Applicant's claimed invention merely assigns access rights to received information, but does not use the assigned access rights. This is treated as

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non-functional descriptive material. Because the assigning of access rights to received information itself can not produce useful, concrete or tangible result without using or having means adapted to using the assigned access rights in the claimed invention to generate a useful and concrete results.

Non-Functional Descriptive Material is not statutory even if in combination with a physical medium since there is no functionality associated with the non-functional descriptive material.

Even when non-functional descriptive material is stored to be read or outputted by a computer without any functional interrelationship, they do not impart functionality to the computer, i.e., they are not computer components.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1–6, 8–26, 28–46 and 48–60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable

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one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In the amended claims, applicant is creating a real estate record identity on at least one server. Applicant has not positively claimed how record identifier for each of the plurality information received is associated with a particular real estate record because there is no identifier created with the real estate record because invention as claimed can have duplicate real estate records. In addition, applicant has clearly disclosed how applicant's claimed invention approves the information received, makes a decision on what access rights should be assigned to the received information.

Additionally, applicant has not clearly disclosed how information received from remote sources like e.g. Facsimile Equipment, email etc is for a transaction related to a particular real estate because there is no claimed limitation that the information received from a remote source has real estate identification information to enable the automation system as claimed by the invention to be able to properly make the association of the received information to the proper real estate as intended by the user of the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 1-20 and 41-46 and 48-60 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. For example:

applicant has not positively claimed how the association of the information received is associated with the proper real estate;

applicant has not positively claimed how the system approves the information received.

Applicant has not positively claimed how the claimed invention automatically makes a decision on what access rights should assigned to the received information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6, 8 – 26, 28 – 46 and 48 – 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis US Publication 2002/0049624 in view of Watanabe Japan Patent 2001-274946.

Regarding claims 1, 21 and 41, as best understood by examiner, Raveis teaches automating at least some phases of real estate transfer (storing data relating to and coordinating the multitude of tasks associated with the purchase or sale of a property from contract to close) [0017], said method being centralized on at least one server and

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carried out over a distributed computer network to a plurality of client computers [Fig. 1 and disclosure associated with Fig. 1]. Raveis teaches:

creating a real estate record on said at least one server [0017, 0018];

receiving information from a plurality of sources (atleast 2 sources). Raveis does not teach receiving information from facsimile equipment. However, Watanabe teaches capability for receiving information from Fascimile equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Raveis as taught by Watanabe to electronically file the documents received from parties involved in a transaction.

Raveis in view of Watanabe teaches:

associating said information to said real estate record using a record associated with said real estate record [Watanabe, 0009];

approving of said information received and assigning access rights to said received information (for example, only users registered with the system can access the information stored on the system)

storing said information on said at least one server in association with said real estate record identity [Raveis, Fig. 3a,b and disclosures associated with the Fig., Watanabe, 0009, 0010].

Regarding claims 2, 22 and 42, Ravies in view of Watanabe teaches receiving at least some portion of a property listing from a multiple listing service (available homes are listed in MLS) [Raveis, 0099].

Regarding claims 3, 23 and 43, Raveis in view of Watanabe teaches transmitting at least a portion of said real estate record to a multiple listing service [Raveis, 0099].

Regarding claims 4, 24 and 44, Raveis in view of Watanabe teaches:
receiving a fax communication from any fax source capable of contacting said at least one server irrespective of a fax number of said fax source [Watanabe, 0009];
prompting a sender of said fax communication to input said record identifier into said any fax source;
converting said fax communication into a digital document that represents said information to be associated and stored in accord with said associating and storing steps [Watanabe, claim 11 and disclosure associated with claim 11].

Regarding claims 5, 25 and 45, Raveis in view of Watanabe teaches:
determining whether said record identifier matches any of a number of a plurality of real estate records [Watanabe claim 1 and disclosure associated with claim 1];
discarding said digital document if said determining step is negative (it a business choice to decide what course of action to take when the determining action is negative. Watanabe teaches storing document into a common document storage area, and also capability of discarding the document. [Watanabe, 0039, claim 2 and disclosure associated with claim 2].

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Regarding claim 6, 26 and 46, Raveis in view of Watanabe teaches capability for saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.

Regarding claims 8, 28 and 48. Ravies in view of Watanabe teaches capability for listing agent reviewing said information [Watanabe, 0028] and granting view rights to authenticated users, such that said users can access and view a digital representation of said information (Raveis teaches remote log-in) [Raveis, 0007]. It is business choice for implementing security measures and decide how the security measures are implemented.

Regarding claims 9, 29 and 49, as responded to earlier for claim 1 and 8, Raveis in view of Watanabe teaches capability for listing agent marking information as secured or unsecured.

Regarding claims 10, 30 and 50, as responded to earlier for claims 1 and 8, Reveis in view of Watanabe teaches capability for providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.

Regarding claims 11, 31 and 51, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users (an agent can be a buyer agent for searching properties, and, the same agent can be a listing agent for posting their properties on to the MLS).

Regarding claims 12, 32 and 52, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like [Raveis, 0003].

Regarding claims 13, 33 and 53, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability for administration by a real estate broker.

Regarding claims 14, 34 and 54, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for enabling a real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

Regarding claims 15, 35 and 55, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.

Regarding claims 16, 36 and 56, as responded to earlier for claims 1, 8, 10, 13 and 15, Reveis in view of Watanabe teaches capability for automatically generating a schedule for said real estate record from said scheduling master template [Raveis, 0021].

Regarding claims 17, 37 and 57, as responded to earlier for claims 1, 8, 10, 13, 15 and 16, Reveis in view of Watanabe teaches capability for schedule being automatically populated with a plurality of tasks and associated dates [Raveis, 0021].

Regarding claims 18, 38 and 58, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating email communications to one or more of a plurality of users based on the happening of an event [Raveis, 0034].

Regarding claims 19, 39 and 59, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for automatically generating an email

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communication containing advertising information from said real estate record (content of an email is business choice).

Regarding claims 20, 40 and 60, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating reports from said real estate record [Raveis, 0024, 0025].

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
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March 5, 2007